

ESTTA Tracking number: **ESTTA643168**

Filing date: **12/08/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 85544660 |
| Applicant | Vivipharma S.p.A. |
| Applied for Mark | COCOA SUNCARE |
| Correspondence Address | KATHLEEN A COSTIGAN HEDMAN & COSTIGAN PC ONE ROCKEFELLER PLAZA, 11TH FLOOR NEW YORK, NY 10020 UNITED STATES ipdocket@hgcpatent.com |
| Submission | Applicant's Request to Extend |
| Attachments | 1011-TM-1272 Motion for an Extension of Time to File Appeal Brief.pdf(70174 bytes) |
| Filer's Name | Kathleen A. Costigan |
| Filer's e-mail | ipdocket@hgcpatent.com |
| Signature | /Kathleen A. Costigan/ |
| Date | 12/08/2014 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: VIVIPHARMA S.P.A.
In the matter of Application Serial No.: 85544660
Filed: February 16, 2012
For the Mark: COCOA SUNCARE
Appeal Brief Due: December 6, 2014 (Saturday)

**MOTION TO EXTEND THE TIME FOR FILING
THE APPEAL BRIEF FOR 30 DAYS**

Applicant, VIVIPHARMA S.P.A., through the undersigned counsel, respectfully requests a 30 day extension of the deadline to file the Appeal Brief in the above-identified matter. This is the first request for an extension of time to file the Appeal Brief.

Application Serial No. 85544660 has been refused registration for the identified goods in Class 003 under Section 2(e)(1) on the ground of deceptive misdescriptiveness and for the identified goods in Class 005 on the ground that the mark contains deceptive matter under Section 2(a). All other issues have been resolved to the satisfaction of the Examiner.

The undersigned has been made aware of the possibility of obtaining a declaration to support registration, under Section 2(f), for, at least, some of the goods listed in Class 003. If such a declaration were accepted by the Examiner, it would serve to reduce and/or clarify the number of issues subject to appeal. Therefore, Applicant respectfully requests a 30 day extension of the deadline to file Appeal Brief in this matter.

In the event the Board denies this motion, it is requested that the deadline for the filing of the Appeal Brief be reset to a date not less than two weeks after the decision of the Board.

Respectfully submitted, _____

/Kathleen A. Costigan/

Date: December 8, 2014

Kathleen A. Costigan
HEDMAN & COSTIGAN, P.C.
One Rockefeller Plaza, 11th Floor
New York, NY 10020

(v)212-302-8989
Email: ipdocket@hgcpatent.com
Attorneys for Applicant